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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

YUGOSLAVIA

1. The Committee considered the third periodic report of Yugoslavia (CCPR/C/52/Add.9) at its 1144th, 1145th, 1146th and 1147th meetings, on 8 and 9 April 1992, and adopted* the following comments.

A. Introduction and positive developments

2. The Committee thanks the State party through its representative for the report it submitted, albeit late, in response to the decision adopted by the Committee on 4 November 1991. The Committee appreciates the fact that despite the serious events that have occurred in the country, the federal Government has been able to cooperate with the Committee and to present and discuss its report. The Committee takes note of the information contained in the report on the present constitutional and legal situation. It nevertheless regrets the fact that the report does not cover the whole period since 30 May 1983, the date of the submission of the second periodic report, and that it does not deal fully enough with the problems encountered by the State party in applying the provisions of the Covenant in practice. However, the oral dialogue established in the Committee meant that it was to some extent possible to obtain additional information on the obstacles to effective application of the Covenant and to highlight certain efforts being made to improve the legal and regulatory framework within which the Covenant was being applied. The Committee noted that a commission had been set up to inquire into allegations of genocide and violation of human rights during the armed conflicts.

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* At the 1148th meeting, held on 10 April 1992.

B. Factors and difficulties hindering implementation of the Covenant

3. The Committee noted that difficulties had arisen in the province of Kosovo, which had led to the proclamation of several successive states of emergency. More recently, the uncontrolled break-up of the State party's institutions has degenerated into violent inter-ethnic conflicts, leading to widespread violations of most of the human rights safeguarded by the Covenant. As a result of this state of affairs, a peace-keeping operation has been set up under the cease-fire negotiated under the auspices of the United Nations.

C. Issues of particular concern

4. The Committee notes that as things stand, the present crisis prevents it from supervising the application of the Covenant throughout the territory of the State party; because of the federal State's loss of control in a growing number of republics, little information has been communicated to the Committee on the application of the Covenant in those areas. The Committee stresses the importance of continuing to implement the Covenant in those republics. With reference to article 1 of the Covenant, the Committee regrets the fact that there was no procedure under domestic law for implementation of the right to secede recognized in the federal Constitution, which would have enabled the crisis to be settled peacefully. The Committee also regrets the fact that under the state of emergency proclaimed in the province of Kosovo, excessive steps have been taken to limit the rights and freedoms guaranteed by the Covenant.

5. The Committee expresses its gravest concern with regard to the atrocities committed during the inter-ethnic conflicts. It is disturbed by the many violations of human rights protected by the Covenant, especially those referred to in article 4, paragraph 2, of the Covenant, which are to be safeguarded whatever the circumstances (right to life and prohibition of torture in particular). The Committee greatly regrets the many cases of summary or arbitrary execution, forced or involuntary disappearance, torture, rape and pillage committed by members of the federal army. Paramilitary groups and militias have also been guilty of similar abuses. The Committee regrets the extremely low number of inquiries into these violations, the failure to take measures to punish the guilty and prevent any recurrence of such acts, and the consequent impunity of those responsible.

6. The Committee also expresses its concern over conditions in detention centres, the situation of the civilian population, particularly women, children and the elderly, in areas of conflict, and the situation of displaced persons. The Committee also regrets the extent of the restrictions and limitations placed on the exercise of the freedom of movement, the right to protection of privacy, freedom of religion, expression, assembly and association and the right to take part in the conduct of public affairs.